

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Russ Gordon and Cathy Stackpoole,

Plaintiffs,

vs.

Civil Action No.: 23-12812

The City of Hamtramck, the Hamtramck
City Council, and Mayor Amer Ghalib,
in his official capacity, only,

Hon. David Lawson

Defendants.

Marc M. Susselman (P29481)
Attorney at Law
Attorney for Plaintiffs
43834 Brandywyne Rd.
Canton, Michigan 48187
(734) 416-5186
marcsusselman@gmail.com

Odey Meroueh (P76460)
Meroueh & Hallman LLP
Attorney for Defendants
14339 Ford Road
Dearborn, Michigan 48126
(313) 582-7469
okm@mhatlaw.com

**PLAINTIFFS' RESPONSE TO DEFENDANTS' EX PARTE MOTION
FOR LEAVE TO FILE AN OVERSIZED BRIEF
IN SUPPORT OF A MOTION FOR SUMMARY JUDGMENT**

Plaintiffs, by and through their attorney Marc Susselman, responding to Defendants' *ex parte* motion for leave to file an oversized brief in support of their motion for summary judgment, opposing the motion, state as follows:

1. The Court, in its Scheduling Order entered on October 3, 2024, set a deadline for filing dispositive motions of December 9, 2024.
2. Plaintiffs filed a motion for leave to file a motion for partial summary

judgment supported by an oversized brief on November 2, 2024, and then filed an amended motion on November 3, 2024.

3. The Court granted Plaintiffs' motion by Order dated November 12, 2024.

4. Plaintiffs filed a motion for partial summary judgment, and supporting oversized brief, pursuant to the Court's Order, on November 12, 2024, prior to the December 9 deadline.

5. Under LR 7.1(e)(2)(A), Defendants' response to Plaintiffs' motion for partial summary judgment was due within 21 days of service of the motion, or by December 3, 2024.

6. On November 27, 2024, Defendants' attorney sent an email to Plaintiffs' attorney requesting a 14-day extension of the due date for Defendants' response to Plaintiffs' motion for partial summary judgment. (*See* email attached as Exhibit 1.) As a professional courtesy, Plaintiffs' attorney agreed to the extension. (*Id.*) The new deadline was therefore December 17, 2024.

7. On December 12, 2024, Defendants' attorney requested a second 14-day extension of the deadline for the Defendants' response to Plaintiffs' motion for partial summary judgment. (Exhibit 2, attached.) Plaintiffs' attorney graciously agreed to a second 14-day extension, making the new deadline December 31, 2024. (*Id.*)

8. On December 31, 2024, Defendants' attorney sent Plaintiffs' attorney an email requesting a third extension of 7, or 14 days. (Exhibit 2) Plaintiffs' attorney agreed to extend the deadline another 14 days. (*Id.*) The new deadline was therefore January 14, 2025.

9. On January 13, 2025, Defendants' attorney sent Plaintiffs' attorney an email requesting a final extension, until January 16, or January 17. (Exhibit 3) He explained that he was almost done with the response, but another extension would help. Plaintiffs' attorney agreed to extend the deadline for Defendants' response to the motion for partial summary judgment until January 17. (*Id.*) He stated in his response that this was the final extension. This was now 45 days past the original deadline.

10. On January 16, Defendants' attorney filed the instant *ex parte* motion for leave to file an oversized brief in support of a motion for summary judgment, well past the December 9, 2024, deadline. Plaintiffs' attorney had never agreed to extend the deadline for filing a motion for summary judgment. Moreover, in ¶II E of the Scheduling Order, the Court reminded the parties that a counter-motion may not be combined with an answer to a motion.

11. Plaintiffs' attorney has been more than accommodating to Defendants' attorney's multiple requests for extensions to file a response, and only a response, to Plaintiffs' motion for partial summary judgment. He has had ample

time to file the response, including ample time to file a motion for leave to file an oversized brief in support of the response. Plaintiffs' attorney feels that Defendants' attorney is taking advantage of the courtesy which he has extended to him.

WHEREFORE, Defendants' request for leave to file an oversized brief in support of a motion for summary judgment should be denied. No further extensions should be granted for filing Defendants' response to Plaintiffs' motion for partial summary judgment beyond January 17, 2025.

Respectfully submitted,

Marc M. Susselman
Attorney at Law
Attorney for the Plaintiffs
43834 Brandywyne Rd.
Canton, Michigan 48187
(734) 416-5186
marcsusselman@gmail.com

By: s/ Marc M. Susselman
Attorney for Plaintiffs

Dated: January 17, 2025

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025, I electronically filed with the Clerk of the Court the foregoing document using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Marc M. Susselman (P29481)

Marc M. Susselman
Attorney for Plaintiffs

EXHIBIT 1



Marc Susselman <marcsusselman@gmail.com>

Question

3 messages

Odey K. Meroueh <okm@mhatlaw.com>
To: Marc Susselman <marcsusselman@gmail.com>

Wed, Nov 27, 2024 at 5:42 PM

Hey Marc,

Hope you have been well! We've been slammed with various emergencies left and right. Would you be willing to agree to a 14-day extension on the filing of my reply brief? It would be much appreciated! Thank you for your consideration! Hope you have an incredibly happy Thanksgiving!

Best,

Odey K. Meroueh, Esq.

Meroueh & Hallman LLP

14339 Ford Road, 2nd Floor, Dearborn, MI, 48126

p: 313.582.7469 | f: 313.438.0540

www.mhatlaw.com

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Marc Susselman <marcsusselman@gmail.com>
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Wed, Nov 27, 2024 at 6:42 PM

Yes, as a professional courtesy I will agree to a 14-day extension on the due date for your reply brief. Just prepare a stipulation.

Have an enjoyable and restful Thanksgiving with your family. If you are looking for something to do for entertainment, I would recommend the movie Wicked. It is excellent.

Marc

[Quoted text hidden]

Marc Susselman <marcsusselman@gmail.com>
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Wed, Nov 27, 2024 at 6:43 PM

P.S.: If you have some free time (?), perhaps we can play a game of chess at my house.

[Quoted text hidden]

EXHIBIT 2



Marc Susselman <marcsusselman@gmail.com>

Mercy

4 messages

Odey K. Meroueh <okm@mhatlaw.com>

Thu, Dec 12, 2024 at 12:35 PM

To: Marc Susselman <marcsusselman@gmail.com>

Hello Marc,

I have been overwhelmed this last couple weeks. Despite my best efforts. The city council insists on working me to the bone with irrelevant things. Could I please have an additional 14 days to get my answer on this Motion. If not I understand, but I would truly appreciate it, from what attorney to another.

Hope you had a very Happy Thanksgiving. We ended up watching Moana 2 which was actually a nice respite. I know my request would put my answer due during Hannukah so if you want to make it further time or less time please let me know. Sorry again for even having to ask but after the case is over I will tell you some of the things they've had me dealing with.

Best,

Odey K. Meroueh, Esq.

Meroueh & Hallman LLP

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Marc Susselman <marcsusselman@gmail.com>

Thu, Dec 12, 2024 at 3:32 PM

To: "Odey K. Meroueh" <okm@mhatlaw.com>

No problem. You have another 14 days. If I need more time to file my reply brief, your reciprocal courtesy would be appreciated.

Have a good holiday.

Marc

[Quoted text hidden]

Odey K. Meroueh <okm@mhatlaw.com>

Tue, Dec 31, 2024 at 10:18 AM

To: Marc Susselman <marcsusselman@gmail.com>

Marc this is the absolute last time I ask. If I can get another 14 days or even 7. The holidays are killing me! And of course I will give you as much time as you need for the reply brief. You have been extremely patient with me. Thank you! Hope your New Year is amazing!

Best,

Odey K. Meroueh, Esq.

Meroueh & Hallman LLP

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On Thu, Dec 12, 2024 at 3:32 PM Marc Susselman <marcsusselman@gmail.com> wrote:

No problem. You have another 14 days. If I need more time to file my reply brief, your reciprocal courtesy would be appreciated.

Have a good holiday.

Marc

On Thu, Dec 12, 2024 at 12:35 PM Odey K. Meroueh <okm@mhatlaw.com> wrote:

[Quoted text hidden]

Marc Susselman <marcsusselman@gmail.com>

Tue, Dec 31, 2024 at 10:48 AM

To: "Odey K. Meroueh" <okm@mhatlaw.com>

Per our telephone conversation, I agree to grant you another 14 days to file your response to Plaintiffs' motion for summary disposition. But this has to be the last extension, to give the court time to read all the briefs, and not change the date of the oral argument.

Happy New Year! Be well and safe - and make sure that you and all your passengers wear their seatbelts.

Marc

[Quoted text hidden]

EXHIBIT 3



Marc Susselman <marcsusselman@gmail.com>

Re:

6 messages

Odey K. Meroueh <okm@mhatlaw.com>
To: Marc Susselman <marcsusselman@gmail.com>

Mon, Jan 13, 2025 at 1:05 PM

Hey Marc,

My name on chess.com is bool3201

How about we play at 8pm tonight? But one request. Can I get a final extension on the filing until Thursday or Friday?
Almost done with it, but would really help.

Best,

Odey K. Meroueh, Esq.
Meroueh & Hallman LLP
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126
p: 313.582.7469 | f: 313.438.0540
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On Sun, Jan 12, 2025 at 6:51 PM Marc Susselman <marcsusselman@gmail.com> wrote:

Odey,

What is your chess.com user name?

Want to schedule a game? I prefer playing 60-minute games.

Marc

Marc Susselman <marcsusselman@gmail.com>
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Mon, Jan 13, 2025 at 1:28 PM

This will have to be the final extension. You have until Friday, January 17.

We can play a 60 minute game tonight. Not sure how to connect with you. I assume they send an invite by email.

Marc

[Quoted text hidden]

Odey K. Meroueh <okm@mhatlaw.com>
To: Marc Susselman <marcsusselman@gmail.com>

Mon, Jan 13, 2025 at 5:47 PM

I sent you an invite through the app. Let's start at 830 so I can be sure that my son will be asleep by then.

Best,

Odey K. Meroueh, Esq.
Meroueh & Hallman LLP
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126
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On Mon, Jan 13, 2025, 1:29 PM Marc Susselman <marcsusselman@gmail.com> wrote:

This will have to be the final extension. You have until Friday, January 17.

We can play a 60 minute game tonight. Not sure how to connect with you. I assume they send an invite by email.

Marc

On Mon, Jan 13, 2025 at 1:06 PM Odey K. Meroueh <okm@mhatlaw.com> wrote:

[Quoted text hidden]

Marc Susselman <marcsusselman@gmail.com>
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Mon, Jan 13, 2025 at 6:26 PM

OK - but I hope you are not going to use the Queen's Gambit in your reply brief to confuse me.

[Quoted text hidden]

Marc Susselman <marcsusselman@gmail.com>
To: "Odey K. Meroueh" <okm@mhatlaw.com>

Mon, Jan 13, 2025 at 8:31 PM

Odey,

I sent you an invite.

[Quoted text hidden]

Odey K. Meroueh <okm@mhatlaw.com>
To: Marc Susselman <marcsusselman@gmail.com>

Mon, Jan 13, 2025 at 8:48 PM

Sorry missed the invite. Just sent it again.

Best,
Odey K. Meroueh, Esq.
Meroueh & Hallman LLP
14339 Ford Road, 2nd Floor, Dearborn, MI, 48126
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On Mon, Jan 13, 2025, 8:31 PM Marc Susselman <marcsusselman@gmail.com> wrote:

Odey,

I sent you an invite.

[Quoted text hidden]